

4-13-00

Re /A

REISSUEREISSUE PATENT APPLICATION TRANSMITTAL

Attorney Docket No. 68410

First Named Inventor or
Application Identifier: Mark D. SIEGLERjc520 U.S. PTO
09/547563

04/12/00

Box PATENT APPLICATION
Commissioner of Patents and Trademarks
ATTENTION: Assistant Commissioner
for Patents
Washington, D.C. 20231

Sir:

Transmitted herewith is the application
for reissue of:

(X) U.S. Utility Patent

) Plant Patent

) Design Patent

) CERTIFICATE OF MAILING BY "EXPRESS MAIL"

) "Express Mail" Mailing Label Number

) EL 528415355 US) Date of Deposit April 12, 2000

) I hereby certify that this paper or fee is being
) deposited with the United States Postal Service
) "Express Mail Post Office to Addressee" Service
) under 37 CFR §1.10 on the date indicated above and
) is addressed to the Commissioner of Patents and
) Trademarks, Washington, D.C. 20231.

) ED PRICE

) (Typed or printed name of person mailing)

) *Ed Price*
) (Signature of person mailing)No. 5,743,046 issued on April 28, 1998,Inventors: Mark D. Siegler, James S. Chang, and David J. MillerTitle: JACK SHAFT GARAGE DOOR OPERATOR

ENCLOSED ARE THE FOLLOWING:

1. (X) 7 pages of the specification and claims.
(X) 1 page of abstract
(X) 2 sheets of drawings () Formal () Informal.

2. (X) Drawings:

- (X) No changes in the drawings, upon which the original patent was issued, are to be made. Therefore, in accordance with 37 C.F.R. §1.174(a), please find attached, in the size required for original drawings:
- (X) a copy of the printed drawings of the patent.
() a photoprint of the original drawings.
(X) a letter requesting transfer of the drawings from the original patent file to this reissued application is attached.

3. (X) Declaration

(X) 3 pages of Declaration (UNSIGNED).

4. () Inventorship:

() A newly-executed oath or declaration and power of attorney is enclosed (for continuation-in-part applications, or for continuation or divisional applications naming an inventor not named in the prior application) (§1.63(a), (d)(5) and (e)).

() Because this application is being filed by fewer than all of the inventors named in the prior application, delete the following inventor(s) named in the prior nonprovisional application (37 C.F.R. §1.63(d)(1)(2)):

() The names of persons believed to be the actual inventors are set forth in the enclosed unexecuted oath or declaration and power of attorney (§1.41(a) and §1.53(b)).

5. () Assignment(s) of the invention to _____ and cover sheet are enclosed.

() A check in the amount of \$_____ to cover the fee for recording the assignment(s) is enclosed.

6. (X) The prior application is assigned of record to

_____ The Chamberlain Group, Inc. _____.

7. Letters Patent. Enclosed is:

- () Original letters patent.
- () Declaration that original letters patent lost or inaccessible.
- () A copy of the original printed patent.

(X) Offer to surrender the original letters patent in accordance with 37 C.F.R. §1.178.

() Offer to surrender is by the inventor.

(X) Offer to Surrender is by assignee of the entire interest.

8. (X) Also enclosed:

(X) Assent of Assignee to reissue

(X) Certificate Under 37 C.F.R. §3.73(B)

9. () A preliminary amendment is enclosed.

09547563-044200

10. () Small Entity Status (37 C.F.R. §1.28(a)(2)):
- () A statement of status as a small entity is enclosed.
 - () A statement of status as a small entity was filed in the prior application, and small entity status is still proper and desired in this reissue application.
 - () Status as a small entity is no longer claimed.
11. (X) A separate written request under 37 C.F.R. §1.136(a)(3), which is a general authorization to treat any concurrent or future reply requiring a petition for an extension of time under 37 C.F.R. §1.136(a) for its timely submission as incorporating a petition for an extension of time for the appropriate length of time, is enclosed.
12. () An Information Disclosure Statement is enclosed.
- () A Form PTO-1449 is enclosed.
 - () _____ References (copies) listed on the Form PTO-1449 are enclosed.
13. () A MicroFiche Computer Program (Appendix) is enclosed.
14. (X) A Return Receipt Postcard is enclosed (MPEP §503).
15. () A Nucleotide and/or Amino Acid Sequence Submission is enclosed.
- () A Computer Readable Copy is enclosed.
 - () A Paper Copy (Identical to Computer Copy) is enclosed.
 - () A Statement Verifying Identity of above Copies is enclosed.
16. () Priority of application number ____/____ filed on _____ in _____ is claimed under 35 U.S.C. §119.
- () The certified copy of the priority document has been filed in prior application number ____/____, filed _____.
 - () A certified copy of the priority document is enclosed.
17. (X) Power of Attorney:
- (X) The power of attorney in the U.S. patent is to:
- (X) Kenneth H. Samples Reg. No. 25,747,
FITCH, EVEN, TABIN, & FLANNERY
Suite 1600
120 South LaSalle Street
Chicago, Illinois 60603-3406
and other members of the firm.
 - () Customer Number 22242.

09547563-041200

- (X) The power appears in the original papers in the prior application.
- () Since the power does not appear in the original papers in the prior application a new power is enclosed.

18. (X) The filing fee is calculated below:

(X) Basic Fee	\$ 690.00	\$ <u>Deferred</u>
• (X) Independent Claims <u>3</u> - 3 = <u>0</u> x \$ 78.00 = \$ <u>0</u>		
• (X) Total Claims <u>17</u> - 20 = <u>0</u> x \$ 18.00 = \$ <u>0</u>		
• () Fee for Multiply Dependent Claims	\$260.00	\$ <u>0</u>
or		
() Basic Design Fee	\$ 310.00	\$ <u> </u>
Total of above Calculations		\$ <u>Deferred</u>
Reduction by 50% for Filing by Small Entity		\$ <u> </u>
Total		\$ <u>Deferred</u>

19. (X) **PAYMENT OF THE FILING FEE IS TO BE DEFERRED UNTIL FILING OF THE SIGNED DECLARATION. DO NOT CHARGE OUR DEPOSIT ACCOUNT.**
20. (X) The Commissioner is hereby authorized to charge any fees which may be required under 37 C.F.R. §§1.16 and 1.17 and are not paid herewith, or credit any overpayment, to Deposit Account Number 06-1135. A duplicate copy of this request is enclosed.
- 22 (X) Address all future communications to Customer Number 22242.



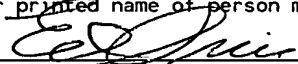
FITCH, EVEN, TABIN & FLANNERY
 Suite 1600
 120 South LaSalle Street
 Chicago, Illinois 60603-3406
 Telephone: (312) 577-7000
 Facsimile: (312) 577-7007

April 12, 2000
 (Date)

Kenneth H. Samples
 Kenneth H. Samples
 Registration No. 25,747
 (x) Attorney or agent of record
 () Filed under §1.34(a)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue of U.S. Patent
No. 5,743,046

Applicants:	Mark D. Siegler	)	<u>CERTIFICATE OF MAILING BY "EXPRESS MAIL"</u>
	James S. Chang	)	"Express Mail" Mailing Label Number
	David J. Miller	)	EL 528415355 US
Application No.:	N/A)	
Filed:	Concurrently Herewith	)	Date of Deposit <u>April 12, 2000</u>
Title:	JACK SHAFT GARAGE DOOR OPERATOR	)	I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.
Group)	
Art Unit:	N/A	)	<u>ED PRICE</u>
Examiner:	N/A	)	(Typed or printed name of person mailing)
)	
		)	(Signature of person mailing)

ASSENT OF ASSIGNEE TO REISSUE

BOX PATENT APPLICATION
Honorable Commissioner of Patents
and Trademarks
ATTENTION: Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

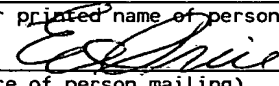
THE CHAMBERLAIN GROUP, INC., the assignee of the entire title and interest in United States Patent No. 5,743,046, by reason of an assignment from the inventors recorded in the United States Patent and Trademark Office on October 30, 1995 at Reel 7871, Frame 0969, hereby assents to the filing of the above-captioned application for reissue of said U.S. Patent No. 5,743,046. A Certification Under 37 C.F.R. §3.73(B) accompanies this Assent.

THE CHAMBERLAIN GROUP, INC.

Dated: April 7, 2000 By: Mark B. Tone
Mark B. Tone
Title: Vice President

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue of U.S. Patent
No. 5,743,046

Applicants: Mark D. Siegler	)	<u>CERTIFICATE OF MAILING BY "EXPRESS MAIL"</u>
James S. Chang	)	"Express Mail" Mailing Label Number
David J. Miller	)	<u>EL 528415355 US</u>
Application)	Date of Deposit <u>April 12, 2000</u>
No.: N/A)	I hereby certify that this paper or fee is
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Title: JACK SHAFT GARAGE)	Postal Service "Express Mail Post Office
DOOR OPERATOR\)	to Addressee" Service under 37 CFR §1.10
Group Art Unit: N/A	)	on the date indicated above and
Examiner: N/A	)	is addressed to the Commissioner of
	)	Patents and Trademarks, Washington, D.C.
	)	20231.
	)	<u>ED PRICE</u>
	)	(Typed or printed name of person mailing)
)	
	)	(Signature of person mailing)

CERTIFICATE UNDER 37 C.F.R. §3.73(B)

BOX PATENT APPLICATION
Commissioner of Patents and Trademarks
ATTENTION: Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This Certificate is being filed in connection with the above-captioned reissue application filed under cover herewith, of application 08/829,742 filed March 31, 1997, now U.S. Patent No. 5,743,046, which was a continuation of application 08/456,874 filed June 1, 1995, now abandoned. The reissue filed concurrently herewith is called "the present application" herein.

The Chamberlain Group, Inc., a corporation, certifies that it is the assignee of the entire right, title and interest in the present application by virtue of:

A chain of title from the inventors, of the present patent application, to the current assignee as shown below:

From Mark D. Siegler, James S. Chang and David J. Miller to The Chamberlain Group, Inc. The document was recorded in the Patent and Trademark Office at Reel 7871, Frame 0969 on October 30, 1995.

002140" 09547563 041200

A copy of the Assignment in the chain of title is attached.

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the Assignee identified above.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: APRIL 7, 2000

Mark B. Tone
Mark B. Tone

Title: Vice President

REISSUE

ATTORNEY DOCKET
NO. 68410

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue of U.S. Patent
No. 5,743,046

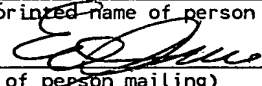
Applicant(s): Mark D. Siegler
James S. Chang
David J. Miller

Filed: Concurrently Herewith

Title: JACK SHAFT GARAGE
DOOR OPERATOR

Group Art
Unit: Unknown

Examiner: Unknown

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)
) "Express Mail" Mailing Label Number
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) Date of Deposit April 12, 2000
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) Patents and Trademarks, Washington, D.C.
) 20231.
) ED PRICE
) (Typed or printed name of person mailing)
) 
) (Signature of person mailing)

OFFER OF SURRENDER

BOX PATENT APPLICATION
Honorable Commissioner of Patents
and Trademarks
ATTENTION: Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

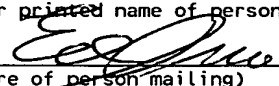
In accordance with 37 C.F.R. §1.178, the assignee of the
entire interest, The Chamberlain Group, Inc., offers to surrender
United States Patent No. 5,743,046, dated April 28, 1998, entitled
JACK SHAFT DOOR GARAGE OPERATOR.

THE CHAMBERLAIN GROUP, INC.

Date: April 7, 2000

By: Mark B. Tone
Mark B. Tone
Title: Vice President

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue of U.S. Patent	)	<u>CERTIFICATE OF MAILING BY "EXPRESS MAIL"</u>
No. 5,743,046)	"Express Mail" Mailing Label Number
)	<u>EL 528415355 US</u>
Applicant(s): Mark D. Siegler)	Date of Deposit <u>April 12, 2000</u>
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David J. Miller)	is being deposited with the United States
Filed: Concurrently Herewith)	Postal Service "Express Mail Post Office
	)	to Addressee" Service under 37 CFR §1.10
Title: JACK SHAFT GARAGE	)	on the date indicated above and
DOOR OPERATOR	)	is addressed to the Commissioner of
	)	Patents and Trademarks, Washington, D.C.
	)	20231.
Group Art	)	<u>ED PRICE</u>
Unit: Unknown	)	(Typed or printed name of person mailing)
)	
Examiner: Unknown	)	(Signature of person mailing)

REQUEST FOR TRANSFER OF DRAWINGSFROM ORIGINAL PATENT TO REISSUE APPLICATION

BOX PATENT APPLICATION
Honorable Commissioner of Patents
and Trademarks
ATTENTION: Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Please transfer the drawings from original Patent No. 5,743,046, which were filed on September 30, 1997, for the invention entitled JACK SHAFT GARAGE DOOR OPERATOR, to the reissue application, the specification of which is attached hereto.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

By:



Kenneth H. Samples
Registration No. 25,747

Date: April 12, 2000

FITCH, EVEN, TABIN & FLANNERY
120 S. LaSalle St., Suite 1600
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